

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

HERBERT L. CAMPBELL,

Plaintiff,

vs.

ROBERT B. EVNEN, Secretary of State of
the State of Nebraska;

Defendant.

8:24CV394

MEMORANDUM AND ORDER

This matter is before the Court on its own motion. Plaintiff filed a Complaint, [Filing No. 1](#), on October 4, 2024. However, Plaintiff failed to include the \$405.00 filing and administrative fees.¹ Plaintiff has the choice of either submitting the \$405.00 filing and administrative fees to the Clerk's office or submitting a request to proceed in forma pauperis ("IFP").² Failure to take either action within 30 days will result in the Court dismissing this case without further notice to Plaintiff.

IT IS THEREFORE ORDERED that:

1. Plaintiff is directed to submit the \$405.00 fees to the Clerk's office or submit a request to proceed in forma pauperis within 30 days. Failure to take either action will result in dismissal of this matter without further notice.

2. The Clerk of the Court is directed to send to Plaintiff the Form AO240 ("Application to Proceed Without Prepayment of Fees and Affidavit").

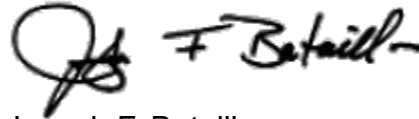
¹ The Court notes that Plaintiff indicated in a letter attached to the Complaint that he requested his institution to process a check in the amount of the \$405.00 filing fee. [Filing No. 1 at 7](#). No check was received with the Complaint.

² If Plaintiff is granted leave to proceed IFP in this matter, he will be allowed to pay the Court's \$350 filing fee in installments. See 28 U.S.C. § 1915(b)(1); *In re Tyler*, 110 F.3d 528, 529–30 (8th Cir. 1997). He would not be subject to the \$55.00 administrative fee assessed to non-IFP plaintiffs. Prisoner plaintiffs are required to pay the full amount of the Court's \$350.00 filing fee by making monthly payments to the Court, even if the prisoner is proceeding IFP. 28 U.S.C. § 1915(b).

3. The Clerk of the Court is directed to set a pro se case management deadline in this matter with the following text: **November 6, 2024**: Check for MIFP or payment.

Dated this 7th day of October, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J F Bataillon", with a stylized flourish at the end.

Joseph F. Bataillon
Senior United States District Judge